

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**JAMES MALANTONIO,  
Plaintiff,**

**v.**

**THE VALLEY CAFE,  
Defendant.**

**CIVIL ACTION**

**NO. 23-5125**

**ORDER**

**AND NOW**, this 16th day of July 2024, upon consideration of Defendant's Motion to Dismiss the Amended Complaint (ECF No. 8), Defendant's Brief in Support of Motion to Dismiss Plaintiff's Amended Complaint (ECF No. 9), and Plaintiff's Response in Opposition to Defendant's Motion to Dismiss the Amended Complaint (ECF No. 12), for the reasons set forth in the accompanying Memorandum, it is **ORDERED** that Defendant's Motion to Dismiss the Amended Complaint (ECF No. 8) is **DENIED**.

**BY THE COURT:**

**/s/ Hon. Kelley B. Hodge**

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**HODGE, KELLEY B., J.**